

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SATYANARAYANA KANUGONDA,
Individually and On Behalf of All Others
Similarly Situated,

Plaintiff,

vs.

FUNKO, INC, BRIAN MARIOTTI, RUSSELL
NICKEL, KEN BROTMAN, GINO
DELLOMO, CHARLES DENSON, DIANE
IRVINE, ADAM KRIGER, RICHARD
MCNALLY, GOLDMAN SACHS & CO., J.P.
MORGAN SECURITIES LLC, MERRILL
LYNCH, PIERCE, FENNER & SMITH
INCORPORATED, PIPER JAFFRAY & CO.,
JEFFERIES LLC; STIFFEL, NICOLAUS &
COMPANY, INCORPORATED, BMO
CAPITAL MARKETS CORP., and
SUNTRUST ROBINSON HUMPHREY, INC.,

Defendants.

Case No. 2:18-cv-00812-RSM

**STIPULATION AND ORDER
EXTENDING TIME TO ANSWER,
MOVE, OR OTHERWISE RESPOND
PENDING APPOINTMENT OF LEAD
PLAINTIFF AND LEAD COUNSEL**

Whereas, on June 4, 2018, Plaintiff Satyanarayana Kanugonda (“Plaintiff”) filed the complaint in this putative class action (the “Complaint”) in the United States District Court for the Western District of Washington against Funko, Inc., Brian Mariotti, Russell Nickel, Ken Brotman, Gino Dellomo, Adam Kriger, Richard McNally, Charles Denson, and Diane Irvine (collectively, the “Funko Defendants”); Goldman Sachs & Co. (now known as Goldman Sachs

1 & Co. LLC), J.P. Morgan Securities LLC, Merrill Lynch, Pierce, Fenner & Smith Incorporated,
2 Piper Jaffray & Co., Jeffries LLC, Stifel, Nicolaus & Company, Inc., BMO Capital Markets
3 Corp., and SunTrust Robinson Humphrey, Inc. (collectively, the “Underwriter Defendants,”
4 and together with the Funko Defendants, the “Defendants”).

5 Whereas, the Complaint alleges violations of Sections 11, 12, and 15 of the federal
6 Securities Act of 1933, 15 U.S.C. § 77a *et seq.*, and is subject to the lead plaintiff procedures of
7 the Private Securities Litigation Reform Act of 1995 (the “PSLRA”);

8 Whereas, on June 27, 2018, the Court entered an Order holding that proper notice was
9 not provided in this action and that Plaintiff could publish notice pursuant to the PSLRA and
10 initiate the 60-day period for class members to seek lead plaintiff status;

11 Whereas, on June 28, 2018, Plaintiff caused notice to be issued of the pending action
12 pursuant to the PSLRA. The deadline for class members to move for appointment as lead
13 plaintiff is August 27, 2018;

14 Whereas, counsel for the Funko Defendants and Underwriter Defendants have agreed to
15 accept service of process on behalf of those respective Defendants who have not been served;

16 Whereas, there have been no prior extensions of time for Defendants to answer, move
17 or otherwise respond to the Complaint in this Court.

18 IT IS THEREFORE STIPULATED AND AGREED, by and between Plaintiff and
19 Defendants, by and through their undersigned counsel and subject to the approval of this Court,
20 that:

21 1. The undersigned counsel for the Funko Defendants and the Underwriter
22 Defendants are authorized to and hereby accept service of process in this action on behalf of the
23 unserved Funko Defendants and Underwriter Defendants, respectively, without prejudice and
24 without waiver of any defenses, objections, or arguments in this matter or any other matter,
25 including without limitation any arguments regarding personal jurisdiction or venue, except as
26 to sufficiency of service of process.

2. Defendants shall not be required to answer, move, or otherwise respond to the Complaint until after the Court appoints a lead plaintiff and lead counsel.

3. Unless otherwise agreed by the parties or ordered by the Court, within fourteen (14) days after the Court appoints a lead plaintiff and lead counsel, Defendants and the lead plaintiff will confer and jointly submit a: (i) proposed schedule and dates by which the lead plaintiff will file an amended complaint or designate a complaint as the operative complaint; and (ii) briefing schedule on Defendants' anticipated motion(s) to dismiss.

SO STIPULATED AND AGREED this 27th day of August, 2018.

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16 *Attorneys for Plaintiff Satyanarayana Kanugonda*

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18 **ORDER**

19 In accordance with the foregoing stipulation, it is so **ORDERED**.

20 DATED: August 28 2018.

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23 **RICARDO S. MARTINEZ**

24 **CHIEF UNITED STATES DISTRICT JUDGE**

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APPOINTMENT OF LEAD PLAINTIFF AND LEAD
COUNSEL- 4
(No. 2:18-cv-00812-RSM)

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